



PREPROPOSAL STATEMENT OF INQUIRY

(RCW 34.05.310)

CR-101 (7/22/01)

Do **NOT** use for expedited rule making

Agency: Department of Ecology A.O. 04-09

Subject of possible rule making: The rulemaking will establish a state water management program for the Columbia River. It may include proposing one or more new chapters in the Washington Administrative Code, amending existing chapters, and/or repealing parts or all of existing chapters. The existing chapters that may be affected are: Chapter 173-563 WAC, The Instream Resources Protection Program for the Main Stem Columbia River in Washington State and Chapter 173-531A WAC, The Water Resources Program for the John Day-McNary Pools Reach of the Columbia River. This Preproposal Statement of Inquiry replaces a previous CR-101 filed by the Department of Ecology (WSR # 02-21-112) on October 22, 2002. This new filing more accurately describes the anticipated rulemaking process.

(a) Statutes authorizing the agency to adopt rules on this subject: RCW 90.03; RCW 90.22; RCW 90.54; RCW 43.21A; RCW 43.27A

(b) Reasons why rules on this subject may be needed and what they might accomplish: The demand for water from the Columbia River will continue to grow over time. There are a large number of pending applications in Washington for new water rights from the river, and it is important to consider the effects of off-stream water use on salmon populations. The department has twice been petitioned to initiate rule making for the Columbia River: first to close the river and its tributaries in Washington to further appropriation; and, subsequently, to require the department to process existing water right applications. In light of these conflicting petitions and recognizing that rule making will be a necessary outcome of the Columbia River Regional Initiative, a rule governing an integrated state water management program for the river's water resources is needed.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No other state or federal agencies have authority to process water right applications.

(d) Process for developing new rule (check all that apply):

☐ Negotiated rule making

☐ Pilot rule making

☐ Agency study

☒ Other (describe): The state contracted with the National Academy of Sciences – National Research Council for a review of related scientific issues. An examination of the economics of water use in the Columbia Basin was completed by the University of Washington. Interested groups will be involved in the process of developing water resources management alternatives and providing feedback on proposed rule language prior to the formal public process required by the Administrative Procedures Act. Electronic media will be used to facilitate communication during the rule-making process. In addition, Ecology will meet with the public during the early development of the rule and will hold public hearings on the formal rule proposal.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Gerry O'Keefe (Department Headquarters in Lacey) at (360) 407-6640 or goke461@ecy.wa.gov

Ecology expects to meet with the public on draft proposals for a river water management program; and also will hold formal public hearings on the CR-102 rule proposal. In addition, information will be shared with the public via the Columbia River Initiative web site: <http://www.ecy.wa.gov/programs/wr/cri/crhome.html>

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